

California Regional Water Quality Control Board
Santa Ana Region

April 4, 2003

ITEM: 11

SUBJECT: Request for Cleanup and Abatement Account Funds for Perchlorate Cleanup Projects

DISCUSSION:

The Cleanup and Abatement Account (CAA) was created by Water Code Sections 13440-13443. Monies received from court judgments and the assessment of administrative civil liabilities fund the Account. The management of the CAA is the responsibility of the State Water Resources Control Board. Monies from the CAA are available for contract services to cleanup a waste or abate the effects of a waste discharge and to remedy an actual or potential unforeseen public health threat. The State Water Resources Control Board, the regional boards, or any governmental agency with the authority to cleanup or abate the effects of waste discharges are eligible for funding from the CAA. The State Water Resources Control Board allocates monies from the CAA for special projects and for emergency projects on a case-by-case basis.

The City of Rialto, the City of Colton, West Valley Water District (formerly West San Bernardino County Water District) and the Fontana Water Company, have shut down or restricted the use of twenty water supply wells in response to perchlorate pollution in the Rialto, Colton and Chino Groundwater Basins. The purveyors have indicated that the loss of these wells constitutes a water supply emergency for their service areas. Further, it is critical that projects be initiated at the earliest possible time to remove perchlorate from the ground water resource and to minimize the further spread of the pollutant.

There is no question that wellhead treatment of the existing affected wells is critical to slowing the spread of perchlorate in the Rialto, Colton and Chino Groundwater Basins. Further, wellhead treatment projects must be developed and implemented at the earliest possible time to minimize further pollution.

Unfortunately, the purveyors do not have adequate resources to implement all of the wellhead treatment necessary to replace the water supply lost to perchlorate pollution, or to stop the spread of pollution to unaffected areas of the groundwater basins. Therefore, as the Board's regulatory efforts bring the parties responsible for the perchlorate contamination under orders for plume investigation, characterization and cleanup, it is critical that all potential funding sources be utilized to initiate and implement treatment strategies to minimize the further spread of the perchlorate plume, as directed by the Regional Board on September 13, 2002.

It is appropriate that the CAA be utilized for support of the necessary wellhead treatment projects in this matter. All of the parties responsible for this pollution have not yet been identified, and for those parties that have been identified, any contributions or cost recovery that they will eventually provide may not be available, or may not be sufficient, to address the emergency nature of this problem. The proposed wellhead treatment projects would effectively remove pollution from the ground water aquifer and would also restore the utility of the resource

by bringing the unused wells back into service, while serving the treated water in the public water supply systems. Staff also proposes that any cost recovery activities of the water purveyors and the Regional Board be directed towards recovering the costs of any CAA expenditures in support of these wellhead treatment projects, and returning the recovered costs back to the CAA to fund other projects.

At the October 25, 2002 Board meeting, the Board adopted Resolution R8-2002-0091, directing the Executive Officer to submit a request for Cleanup and Abatement Funds to the State Board for a total of \$3 million for the four water purveyors, for distribution of \$750,000 to each of the four water purveyors. On November 1, 2002, the Executive Officer submitted a request for emergency Cleanup and Abatement Funds to the State Board. On November 19, 2002, the State Board approved up to \$3,000,000 in emergency funding from the CAA to support wellhead treatment projects in the Rialto, Colton, and Chino Groundwater Subbasins. The four water purveyors have submitted Project Plans that describe how each water purveyor will utilize funds from the CAA to ensure that an adequate supply of drinking water is available to the public and to cleanup the perchlorate pollution in the subject groundwater Subbasins. In addition to the \$3,000,000 approved by the State Board, Goodrich Corporation has agreed to provide \$4,000,000 to support wellhead treatment projects in the Rialto, Colton, and Chino Groundwater Subbasins, in accordance with an agreement that was reached between the water purveyors and Goodrich Corporation. At the January 17, 2003 Board meeting, the Board adopted Resolution R8-2003-0017, authorizing the Executive Officer to execute an agreement developed by Goodrich and Board staff to satisfy the condition of the purveyor's agreement. The Executive Officer signed the agreement on January 30, 2003.

Utilizing the \$7,000,000 that has been committed thus far, the four water purveyors have initiated actions to construct wellhead treatment facilities. However, additional money is needed. Staff roughly estimates, based on very preliminary information, that wellhead treatment projects for perchlorate will be in the range of \$2 million for each well. With a total of 20 wells currently exceeding the drinking water Action Level for perchlorate, it is expected that wellhead treatment will be in the range of \$40 million, but it certainly could go much higher, given other ancillary costs. Each of the four purveyors affected by perchlorate in the Rialto, Colton and Chino groundwater basins have a number of wells that have been taken out of service. Given our understanding of the current status of the CAA, staff recommends that the Board request an additional \$2 million from the CAA to support the necessary and important wellhead treatment projects that will be required by each of the four purveyors. Should this request be granted by the State Board, each purveyor could receive approximately \$500,000 of additional funds for their wellhead treatment project.

RECOMMENDATION: Adopt Resolution No. R8-2003-0052 requesting the State Board to allocate an additional \$2 million from the Cleanup and Abatement Account to support construction of wellhead treatment projects by the City of Rialto, the City of Colton, West Valley Water District, and the Fontana Water Company.

California Regional Water Quality Control Board
Santa Ana Region

RESOLUTION NO. R8-2003-0052

Request for Cleanup and Abatement Account Funds for Wellhead Treatment Projects in the Rialto, Colton and Chino Groundwater Subbasins, San Bernardino County

WHEREAS:

1. Sections 13440 through 13443 of the California Water Code established the State Water Pollution Cleanup and Abatement Account (Account) to be administered by the State Water Resources Control Board (State Board).
2. Grants to public agencies and regional boards are available from the Account. The State Board may order monies to be paid from the Account to assist a public agency or a regional board to assist it in cleaning up waste or abating its effects on waters of the State.
3. The Rialto, Colton and Chino Groundwater Subbasins are beneficially used for municipal and domestic supply. A significant water quality problem that poses a potential threat to public health currently exists in the Rialto, Colton and Chino Groundwater Subbasins due to perchlorate pollution. Twenty municipal wells belonging to four water purveyors (West Valley Water District, Fontana Water Company and the Cities of Colton and Rialto) have been taken out of service or have had their use severely restricted. The perchlorate pollution threatens to impact additional municipal wells. The Department of Defense and numerous industrial waste dischargers have been identified as potential sources of the pollution. Funding is necessary to assist these water purveyors in developing wellhead treatment projects to ensure that an adequate supply of drinking water is available to the public and to prevent further degradation of the resource.
4. The Executive Officer is sending letters pursuant to California Water Code Section 13267 to all suspected perchlorate dischargers, directing them to submit work plans for separate or cooperative soil and groundwater investigations. Regional Board staff is also facilitating efforts among the suspected perchlorate dischargers to provide replacement water to compensate for the loss or restricted use of municipal water supply wells in the Colton, Rialto and Chino Groundwater Subbasins.
5. As a result of the large number of wells that have been taken out of service due to the perchlorate pollution and the lead time necessary to design, order and install treatment equipment, it is critical that the wellhead treatment projects be initiated at the earliest possible time.
6. It is estimated that more than \$20 million will be required to install wellhead treatment systems for the wells that have already been removed from service.

7. On October 25, 2002, the Regional Board adopted Resolution No. RB8-2002-0091, directing the Executive Officer to submit a request for Cleanup and Abatement Funds to the State Board for a total of \$3 million (distributing \$750,000 to each of the four water purveyors).
8. On November 1, 2002, the Executive Officer submitted a request for emergency Cleanup and Abatement Funds to the State Board. On November 19, 2002, the State Board approved up to \$3,000,000 in emergency funding from the Account to support wellhead treatment projects in the Rialto, Colton, and Chino Groundwater Subbasins.
9. In addition to the \$3,000,000 approved by the State Board, Goodrich Corporation has agreed to provide \$4,000,000 to support wellhead treatment projects in the Rialto, Colton, and Chino Groundwater Subbasins, in accordance with an agreement that was reached between the water purveyors, the Regional Board and Goodrich Corporation.
10. Utilizing the \$7,000,000 that has been committed thus far, the four water purveyors have initiated actions to construct wellhead treatment facilities. However, additional money is needed to construct the necessary facilities.
11. The four water purveyors have submitted Project Plans that describe how each water purveyor will utilize funds from the Account to ensure that an adequate supply of drinking water is available to the public and to cleanup the perchlorate pollution in the subject groundwater Subbasins.

THEREFORE, BE IT RESOLVED THAT:

1. The Executive Officer shall submit a Request for Cleanup and Abatement Funds to the State Board for a total of \$2 million (distributing \$500,000 to each of the four water purveyors). The funds shall be requested to be provided to the Regional Board for distribution to the four water purveyors.
2. The Executive Officer shall request that the State Board consider this request at its earliest possible opportunity as an emergency request.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Santa Ana Region, on April 4, 2003.

Gerard J. Thibeault
Executive Officer